

In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 5306 of 2006

Date of Decision: September 14, 2006

Inder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI**

PRESENT: Mr. S.K. Sud, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana,
for the respondents.

JUDGMENT

M.M. KUMAR, J. (Oral)

The grievance made by the petitioner in the instant petition is that despite his acquittal in a proceedings initiated against him under Sections 107/151 Cr.P.C. and dropping of charges, his salary for the period from 30.7.2002 to 4.8.2002 and that of 19.6.2002 is not being paid along with four annual grade increments due from March, 2003 till date. The prayer made by the petitioner is that the aforementioned action is malicious as he has been falsely involved in the proceeding initiated under Sections 107/151 Cr.P.C. It is admitted position in the preliminary submission made in the written statement that the petitioner was bailed out in the security proceedings under Section 107/151 Cr.P.c. on 30.7.2002 and

thereafter he was acquitted. There was a charge sheet also issued against the petitioner. The matter was inquired thoroughly by Shri Hakam Singh, District Social Welfare Officer. The report of the Enquiry Officer was examined by the competent authority and the charges were dropped vide order dated 2.7.2004 having not been proved.

According to the written statement suspension period from 5.8.2002 to 16.9.2002 was treated as duty period for all intents and purposes under Rule 7.3(2) of the Punjab Civil Services Rules, Volume-I, Part-I (as applicable to Haryana). As regard the period of 19.6.2002 and 30.7.2002 to 4.8.2002, the same has also been treated as duty period vide order dated 23.6.2006 and 13.7.2006. The payment of annual increments has already been ordered to be made after making necessary entry in the Service Book of the petitioner.

Learned State counsel has also shown us a copy of the order dated 1.9.2006 indicating that the petitioner has refused to accept the aforementioned arrears till the decision of the instant petition. However, Mr. S.K. Sud, learned counsel for the petitioner states that the petitioner shall accept the payment and he has also requested for interest on the delayed payment from the date it was due till the date of the payment.

In view of the above, the relief claimed in the petition has been conceded as per the preliminary submission made in the written statement. All the dues of the petitioner shall be paid to him by the respondents and the same shall also be accepted by him. However, the petitioner shall be entitled to interest @ 6% per annum from the date the amount was due till the date of payment.

The petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

September 14, 2006
Pkapoor

(M.M.S. BEDI)
JUDGE